

A● 91 (Rev. 11/11) Criminal Complaint

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

MAR 16 2020

MITCHELL R. ELFERS
CLERK

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

DANIEL LOGAN MOCK

Case No. 20mj 957

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 03/14/2020 in the county of Bernalillo in the

District of New Mexico, the defendant(s) violated:*Code Section**Offense Description*

2 counts of Title 18 USC 875(c)

Interstate communication threats

This criminal complaint is based on these facts:

See attached affidavit.

☒ Continued on the attached sheet.

Complainant's signature

Special Agent Stacey Stout

Printed name and title

Sworn to before me by reasonable electronic means.

Date: March 16, 2020City and state: Albuquerque, NM

Judge's signature

Laura Fashing, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

Your affiant, Stacey Stout, having been duly sworn, does hereby depose and say:

Introduction

1. I have been a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice, since September 2019. As such, I am a “federal law enforcement officer” within the meaning of Federal Rule of Criminal Procedure 41(a)(2)(C), that is, a government agent engaged in enforcing the criminal laws and duly authorized by the Attorney General to request arrest warrants. I am currently assigned to the FBI’s Albuquerque Field Office in which I am authorized to investigate crimes involving Interstate Communications. The information set forth in this affidavit was derived from my own investigation and/or communicated to me by other sworn law enforcement officers. Because this affidavit is submitted for the limited purpose of securing an arrest warrant, your affiant has not included each and every fact known to me concerning this investigation. Your affiant has set forth only those facts that he believes are necessary to establish that probable cause to support a criminal complaint against DANIEL MOCK in violation of Title 18 U.S.C. § 875(c).

Details of Investigation

Background

2. On or about June 2019, the Federal Bureau of Investigation received information in regards to threatening comments and antigovernment/antiauthority ideology by DANIEL MOCK. A Suffolk County (New York) Police Department Investigator provided information regarding posts and comments made on the Oath Keepers Facebook page by a Facebook user with the user name Daniel Mock and Facebook user ID 100007964919656. The account posted comments in reference to a shooting at the Earle Cabell Federal Court House in Dallas on June 17, 2019, including the following: "This guy is a hero attacking tyrannical and corrupt government organizations. We need more patriotic americans like him attacking

more government targets. Time to let the government know we wont be pushed around anymore. Use your second amendment RIGHT against this broken oppressive system. Protect those who can not protect themselves and freedom on my friends." Based on subsequent investigation, it appeared that the Facebook user was DANIEL MOCK (year of birth 1986).

Count 1

3. On March 14, 2020, the FBI Albuquerque Division was informed by New Mexico State Police (NMSP) that on March 13, 2020, Facebook user Daniel.Mock.965 posted threatening comments on a Facebook page operated by the Governor of New Mexico, with user name @GovMLG. One comment read, "Time to pick up your rifles and kill this governor so we can reestablish the constitution as law of New Mexico. I'm done with corrupt government. They will serve the people or die." Another comment posted on March 13, 2020, read, "I am going to begin red flagging myself in order to combat and kill all police and government officials who are in violation of the constitution. All officers who respond will be executed for Tyranny. So ask yourself is violating my rights worth your life? Cause I have no fear of killing bad men and dying for the people."

Count 2

4. Additionally, on March 2, 2020, Daniel.Mock.965 posted a comment to the @GovMLG Facebook page that read, "There is never going to be a case. Focus your energy on more important things like tickets for the police who violated traffic and parking laws. This is why we are going to execute you."

User Attribution

5. On March 14, 2020, Facebook, Inc. provided the FBI with information about the Facebook account with user name Daniel.Mock.965. The information showed that

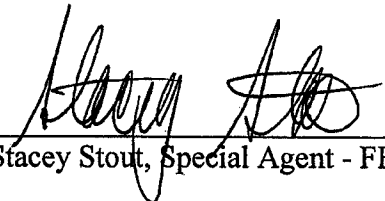
the account holder provided the name "Daniel Mock" and the email address danmock198666@gmail.com when the account was created on March 8, 2018. The account holder provided the telephone number (910) 476-5585 when the account was created. Open source research indicated that this telephone number was associated with another individual as of March 14, 2020. The information showed that the last location associated with the account holder's device was latitude 35.0852305 and longitude -106.6500664, the coordinates of a location in Albuquerque, New Mexico. Facebook indicated the accuracy of the coordinates is approximately 16 meters. The information showed Internet Protocol (IP) addresses that used the account on or about March 13 and 14th, 2020. The associated IP addresses appear to be associated with TMobile and AT&T. Based on my training and experience it is likely that the user of the account is utilizing a smartphone. The coordinates provided indicate the user of the account was located in Albuquerque, New Mexico at approximately 00:07:40 UTC on March 14, 2020.

6. On March 14, 2020, FBI Agents went to the vicinity of the coordinates: latitude 35.0852305 and longitude -106.6500664. The location is at the southwest corner of the intersection of Copper Avenue NW and 3rd Street NW in Albuquerque, NM. At this location, Agents observed a multistory business structure housing a parking garage and what appeared to be other businesses. Agents observed a business on the ground floor which appeared to be a cannabis dispensary with a sign reading, "Harvest." Open source research revealed that there is a cannabis dispensary called The Harvest Foundation located in the vicinity of the coordinates, at 220 Copper Avenue NW, Suite 110A, Albuquerque, New Mexico 87102.
7. Research provided by NMSP to the FBI identified Harvest Foundation as a possible employer of MOCK.
8. On March 14, 2020, your affiant viewed Facebook user Daniel.Mock.965's profile picture. On March 14, 2020, your affiant viewed an identification card photograph of DANIEL LOGAN MOCK (year of birth 1986) from New Mexico Motor Vehicle

Division (MVD) records. The identification card was issued on August 15, 2019. The MVD photograph of MOCK and profile picture of Facebook user Daniel.Mock.965 were similar.

9. On approximately March 14, 2020, NMSP made contact via telephone with L.A. (year of birth 1997), in regard to the comments posted on the Governor's Facebook page on March, 13, 2020. L.A. is in a relationship with MOCK and is MOCK's girlfriend. L.A. indicated that MOCK sent the Facebook posts on the New Mexico Governor's Facebook page. L.A. stated that MOCK sent the communication and has done it several times. L.A. stated that MOCK does not mean to threaten anyone with his rhetoric and was "blowing off steam." L.A. stated that MOCK worked at a dispensary in Albuquerque.
10. Open source reporting indicates that Facebook, Inc. is located at 1601 Willow Road, Menlo Park, California 94025.
11. Open source reporting indicates that AT&T is located at 208 South Akard, Dallas, Texas 75202.
12. Open source reporting indicates that TMobile is located at 4 Sylvan Way, Parsippany, New Jersey 07054.
13. On or about March 14, 2020, law enforcement databases were searched and indicated that MOCK attempted to purchase firearms in 2014 and 2016 and was denied from federal firearms license establishments.
14. Based on the aforementioned facts, your affiant respectfully submits that there is probable cause to believe that on or about March 2, 2020 and March 14, 2020, DANIEL MOCK did transmit in interstate or foreign commerce communications containing threats to kill law enforcement and the Governor of New Mexico in violation of Title 18 U.S.C. § 875 (c). This violation occurred in the District of New Mexico.

15. I swear that this information is true and correct to the best of my knowledge.


Stacey Stout, Special Agent - FBI

SWORN to before me by reasonable electronic means
this 16th day of March, 2020.


United States Magistrate Judge